

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SAMUEL OSBOURNE,) CASE NO.: _____
Plaintiff,)
v.)
SWEET EXPRESS, L.L.C., a) NOTICE OF REMOVAL AND
corporation, and ALIJA ALAGIC,) DEMAND FOR JURY TRIAL
Defendants.)
)

TO THE CLERK OF THE ABOVE-CAPTIONED COURT:

PLEASE TAKE NOTICE that Defendants Sweet Express, L.L.C. and Alija Alagic hereby remove to this Court the state court action described below.

1. On June 16, 2011, an action was commenced in the County Court of Lancaster County, Nebraska captioned Samuel Osbourne, Plaintiff, v. Sweet Express, L.L.C., a corporation, and Alija Alagic, Defendants, case number CI 11-7010.
2. Defendant Sweet Express, L.L.C. received a copy of the Complaint setting forth the claim for relief upon which such action is based as contemplated in 28 U.S.C. § 1446(b) on July 11, 2011.
3. Defendant Alija Alagic received a copy of the Complaint setting forth the claim for relief upon which such action is based as contemplated in 28 U.S.C. § 1446(b) on July 19, 2011.
4. This Notice is timely.
5. A copy of all process, pleadings and orders served upon the Defendant in the state court action are attached hereto as Exhibit "A".

6. This action is a civil action of which this Court has jurisdiction pursuant to the provisions of 28 U.S.C. § 1332(a)(1) and is one which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. § 1441(b) in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs.
7. In his Complaint, Plaintiff Samuel Osbourne ("Plaintiff") alleges compensatory damages in an amount in excess of \$101,000.00 which exceeds the jurisdictional requirement.
8. Defendants are informed and verily believe, based on his statement of residence in the Complaint, that Plaintiff was and still is a citizen of the State of Florida.
9. Defendant Sweet Express, L.L.C. is and, at the time of the filing of the action, was a citizen of Michigan for diversity purposes. Specifically, Sweet Express, L.L.C. is a limited liability company incorporated in the State of Michigan and has its principal place of business in the State of Michigan.
10. Defendant Alija Alagic is a resident of Kentwood Michigan.
11. A state court Notice of Removal is being filed contemporaneously with this Notice of Removal. See Exhibit "B".

JURY DEMAND AND REQUEST FOR TRIAL IN LINCOLN, NEBRASKA

Defendant respectfully requests trial by jury pursuant to NECivR 38.1 and FED. R. Civ. P. 81(c), and requests trial be had in Lincoln, Nebraska pursuant to NECivR 40.1(b).

WHEREFORE, Defendants Sweet Express, L.L.C. and Alija Alagic pray that this action be removed to the United States District Court for the District of Nebraska and that trial be had on all triable issues in Lincoln, Nebraska.

DATED this 21st day of July, 2011.

SWEET EXPRESS, L.L.C., a Michigan Limited Liability Company, and ALIJA ALAGIC, Defendants.

By: /s/Stephen L. Ahl
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CERTIFICATE OF SERVICE

I hereby certify that on July 21, 2011, I electronically filed the foregoing **Notice of Removal and Demand for Jury Trial** with the Clerk of the Court using CM/ECF system which sent notification of such filing to the following:

Dennis P. Crawford
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/s/Stephen L. Ahl
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